

# **EXHIBIT 6**

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LULAC, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as Governor of Texas, *et al.*,

*Defendants.*

Case No.: EP-21-CV-00259-JES-JVB  
[Lead Case]

**DECLARATION OF MARK P. GABER**

Pursuant to 28 U.S.C. § 1746, I, Mark P. Gaber, declare that:

1. I am over 18 years of age and competent to testify.
2. I am counsel for Plaintiffs in this case.
3. I am also counsel for the Quesada Plaintiffs in the consolidated cases challenging the 2011 and 2013 Texas redistricting plans, *Perez v. Abbott*, No. SA-11-CA-OLG (W.D. Tex.), which is currently in the attorneys' fees phase of litigation. I served as lead trial counsel for the Quesada Plaintiffs in the trial regarding the 2013 plan, which occurred in the summer of 2017.
4. In the lead up to, and during, the 2017 *Perez* trial, Anna Mackin, then an attorney in the Office of the Attorney General, was the primary counsel for Defendants with whom I interacted on exhibit issues. For example, at 2:53 AM on July 9, 2017, Ms. Mackin emailed Plaintiffs' counsel transmitting Defendants' objections to Plaintiffs' trial exhibits. That email included an attached spreadsheet identifying which of Plaintiffs' exhibits Defendants objected to, and which they lodged no objection to. The metadata for that spreadsheet identifies the author as "Anne Marie Mackin," notes that the spreadsheet was created on July 8, 2017, at 11:21 PM, and

was last modified on July 9, 2017, at 2:44 AM, nine minutes before it was emailed to Plaintiffs' counsel. Attached as Exhibit A to my declaration is a true and correct copy of the email, the spreadsheet, and a screenshot I took of the spreadsheet metadata.

5. Attached as Exhibit B to my declaration are true and correct copies of several exhibits that were identified on the spreadsheet Ms. Mackin sent: Quesada-12, Quesada-15, Quesada-16, Quesada-17, and Quesada 18.

6. Attached as Exhibit C to my declaration is a true and correct copy of an email Ms. Mackin sent to Plaintiffs' counsel at 1:09 AM on July 14, 2017, identifying the exhibits Defendants might use at trial that morning. Attached as Exhibit D to my declaration is a true and correct copy one of the supplemental exhibits Ms. Mackin attached to that email, an April 18, 2013 letter from then-Attorney General Greg Abbott to the House and Senate Redistricting Committee Chairs and members.

7. The trial transcripts for the 2017 *Perez* trial note Ms. Mackin's appearance at trial each day.

8. Attached as Exhibit E to my declaration are true and correct copies of the minutes and transcript from a Senate Select Committee on Redistricting hearing that occurred on April 18, 2013, which were admitted as Joint Exhibits 19.2 and 19.3 in the *Perez* litigation.

9. Attached as Exhibit F to my declaration is a true and correct copy of a transcript of the May 30, 2013 hearing of the Senate Select Committee on Redistricting, which was admitted as Joint Exhibit 20.4 in the *Perez* litigation.

10. Attached as Exhibit G to my declaration is a true and correct copy of the Senate Journal, Eighty-Third Legislature – First Called Session, Second Day Continued, for Friday, June 14, 2013, which was admitted as Joint Exhibit 26.2 in the *Perez* litigation.

11. Attached as Exhibit H to my declaration is a true and correct copy of the Senate Journal, Eighty-Third Legislature – First Called Session, Third Day, for Friday, June 14, 2013, which was admitted as Joint Exhibit 26.3 in the *Perez* litigation.

12. Attached as Exhibit I to my declaration is a true and correct copy of the Senate Journal, Eighty-Seventh Legislature – Third Called Session, Third Day, for Monday October 4, 2021, which I obtained from Texas Senate’s Senate Journal Online website, <https://journals.senate.texas.gov/SJRNL/873/PDF/87S310-04-F1.PDF>.

13. Attached as Exhibit J to my declaration is a true and correct copy of the Senate Journal, Eighty-Seventh Legislature – Third Called Session, Fourth Day, for Monday, October 4, 2021, which I obtained from the Texas Senate’s Senate Journal Online website, <https://journals.senate.texas.gov/SJRNL/873/PDF/87S310-04-F.PDF>.

14. Attached as Exhibit K to my declaration is a true and correct copy of the Senate Journal, Eighty-Seventh Legislature – Third Called Session, Fourth Day Addendum, for Monday October 4, 2021, which I obtained from the Texas Senate’s Senate Journal Online website, <https://journals.senate.texas.gov/SJRNL/873/PDF/87S310-04-FA.PDF>.

15. Attached as Exhibit L to my declaration is a true and correct copy of the House Journal, Eighty-Seventh Legislature – Third Called Session, Sixth Day (Continued), for Friday October 15, 2021, which I obtained from the Texas House Journal Online website, <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY06CSUPPLEMENT.PDF>.

16. Attached as Exhibit M to my declaration is a true and correct copy of the House Journal, Eighty-Seventh Legislature – Third Called Session, Seventh Day, for Friday, October 15, 2021, which I obtained from the Texas House Journal Online website, <https://journals.house.texas.gov/hjrnl/873/pdf/87C3DAY07FINAL.PDF#page=7>.

I declare under penalty of perjury that the foregoing is true and correct.

November 23, 2021

/s/ Mark P. Gaber

Mark P. Gaber